

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JULIE GOLDBERG,
Plaintiff,

-against-

CITY OF NEW YORK, FELICIANA MORALES,
MARITZA CANCEL, DENISE SANTOS, JAMES
BROWN, HAIR Q SALON CORPORATION, and
CLAUDIA GOMEZ,

**AMENDED COMPLAINT AND
JURY DEMAND**

13 Civ. 7718 (ER) (JLC)

Defendants.

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Plaintiff, as and for her Amended Complaint, by her undersigned attorneys, alleges as follows:

INTRODUCTION

1. This action is brought by an attorney who was arrested and handcuffed in her law office in front of clients, held for her arraignment, injured during her detention, and prosecuted for almost a year, when she had committed no offense.

JURISDICTION

2. This Court's jurisdiction is invoked pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 1343, and 42 U.S.C. § 1983. This Court's supplemental jurisdiction is also invoked. Plaintiff filed a Notice of Claim with defendant City of New York on January 28, 2013.

PARTIES

3. Plaintiff Julie Goldberg (“Goldberg”) is a United States citizen and a resident of New York State. Goldberg is an immigration attorney.

4. Defendant Feliciano Morales (“Morales”) is employed as a Sergeant by defendant City of New York (“City”). She is assigned to the 50th Precinct in the Bronx, New York. She is sued in her personal and her official capacities.

5. Defendant Maritza Cancel (“Cancel”) is employed as a Police Officer by the City. She is assigned to the 50th Precinct in the Bronx, New York. She is sued in her personal and her official capacities.

6. Defendant Denise Santos (“Santos”) is employed as a Police Officer by the City. She is assigned to the 50th Precinct in the Bronx, New York. She is sued in her personal and her official capacities.

7. Defendant James Brown (“Brown”) is employed as a Police Officer by the City. He is assigned to the 50th Precinct in the Bronx, New York. He is sued in his personal and his official capacities.

8. Defendant Hair Q Salon Corporation (“Hair Q”) is a hair salon formerly located at 5586 Broadway, Bronx, New York.

9. Defendant Claudia Gomez (“Gomez”) is the owner and operator of Hair Q.

FACTS RELEVANT TO ALL CLAIMS

10. On November 1, 2013, Morales, Cancel, Santos, and Brown (“police defendants”) entered Goldberg’s law office at 5586 Broadway, Bronx, New York, without a warrant.

11. Morales and Cancel, on a complaint by Hair Q and Gomez, arrested Goldberg, in her office, and in front of clients and colleagues, without probable cause that Goldberg had committed any offense.

12. Goldberg had not committed any offense.

13. Goldberg was held for approximately 23 hours. During her detention, she fell down a flight of stairs while handcuffed, and taken twice to the hospital for pneumonia.

14. On November 2, Goldberg was arraigned, on a complaint by Hair Q and Gomez, on one count of unlawful imprisonment in the second degree.

15. On January 8, April 8, June 24, and September 3, 2013, Goldberg's case was on the calendar of Criminal Court of the City of New York, Bronx County.

16. On September 3, the charge was dismissed.

AS AND FOR A FIRST CAUSE OF ACTION

17. Police defendants entered Goldberg's office without a warrant. In taking these actions, police defendants violated Goldberg's right to be free from unreasonable searches, and her right to due process, under the Fourth and Fourteenth Amendments to the United States Constitution.

18. Police defendants acted with malice and in reckless disregard of plaintiff's rights protected under Federal law.

AS AND FOR A SECOND CAUSE OF ACTION

19. Morales and Cancel arrested plaintiff without probable cause that she had committed any offense. In taking these actions, Morales and Cancel violated plaintiff's right to

be free from unreasonable search and seizure, and her right to due process, under the Fourth and Fourteenth Amendments of the United States Constitution.

20. Morales and Cancel acted with malice and in reckless disregard of plaintiff's rights protected under Federal law.

AS AND FOR A THIRD CAUSE OF ACTION

21. Morales, Cancel, and the City falsely arrested plaintiff, in violation of New York State common law.

22. Morales, Cancel, and the City willfully and maliciously engaged in these unlawful acts.

AS AND FOR A FOURTH CAUSE OF ACTION

23. Defendants maliciously prosecuted plaintiff, in violation of New York State common law.

24. Defendants willfully and maliciously engaged in these unlawful acts.

WHEREFORE, plaintiff respectfully requests that this Court enter a judgment:

ON THE FIRST AND SECOND CAUSES OF ACTION

- (a) declaring that the acts and practices complained of herein are in violation of the Fourth and Fourteenth Amendments of the United States Constitution;
- (b) enjoining and permanently restraining these constitutional violations;

- (c) awarding plaintiff compensatory and punitive damages and damages for her mental anguish and humiliation;
- (d) awarding plaintiff reasonable attorney's fees, costs, and disbursements;
- (e) granting such other and further relief as this Court deems just and proper;

ON THE THIRD AND FOURTH CAUSES OF ACTION

- (f) awarding compensatory and punitive damages in an amount not yet ascertained; and
- (g) awarding plaintiff reasonable attorney's fees, costs, and disbursements.

DEMAND FOR A TRIAL BY JURY

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, plaintiff demands a trial by jury on all of the causes of action herein.

Dated: New York, New York
May 21, 2014

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